

REMARKS

Claims 1 through 20 are pending in the application. All claims stand rejected under 35 U.S.C. §§ 102 and 103 as lacking novelty or being obvious in view of *Hansen* (2003/0072904).

Applicant hereby traverses the rejections.

All pending claims require that the sleeve and the core be “continuous” or that the core and sleeve are co-extruded together to form a continuous post. This limitation requires that the sleeve and core each be continuous in geometry, in material, and in material and mechanical properties along the length of the post: there are no intentional or obvious gaps or joints in the material of either the core or the sleeve. This continuity is a natural result of the co-extrusion process, but could also be the result of other forming processes, such as molding, or extruding the core and sleeve separately and adhering them together. Of course, the continuity is not perfect: even co-extrusion will result in some degree of discontinuity, on a very small scale. The claimed continuity should be considered to be the avoidance of “intentional” or designed-in discontinuities in the materials and in the material and mechanical properties in the post, such as by material gaps, whether from fasteners, connectors, or other construction devices. This “practical” continuity prevents or eliminates dramatic changes in the geometry, material and material and mechanical properties along the length of the post, which could lead to weakness or “stress risers” and other changes in the mechanical properties of the post that can lead to unpredictable behavior in the event a vehicle crashes into the post.

Hansen, in contrast to the present invention, involves forming a post-like structure (¶ 0035) by winding strips (¶ 0036) formed from old tires in a spiral fashion about a mandrel (¶ 0037). This intentionally and inherently introduces discontinuity, both radially or cross-sectionally (in the joints between layers of rubber), and longitudinally or along the length of the post (at the gaps between adjacent strips and their ends) (*see* ¶

0038). There is nothing continuous about the structure disclosed by *Hansen*. The construction disclosed by *Hansen* is fraught with opportunities for separation between adjacent layers of rubber and the joints between successive strips of rubber, which must be bonded together by “resins, polymers, nails or the like” (see ¶ 0038). Each adjacent layer or strip is a discontinuity both physically in the material of the “core” and in a material or mechanical property sense.

Accordingly, properly construing the “continuous” limitation in the pending claims, *Hansen* cannot anticipate any claim of the pending application.

Similarly, because neither *Hansen* nor any other of the other prior art of record disclose or suggest the utility of a post having a continuous sleeve surrounding a continuous core, or co-extrusion used as a manufacturing process to obtain that structure, the obviousness rejection cannot stand. Because it is impossible to extrude a wound structure like *Hansen* discloses (at least to Applicant's knowledge) and the resulting wound structure of *Hansen* is filled with discontinuities, *Hansen* can be construed to teach away from the continuous sleeve and core of the present invention. Applicant submits that *Hansen* neither discloses nor suggests each and every claimed element of Applicant's invention, so the rejections may not stand. Further, none of the other prior art of record disclose, teach or suggest a continuous core and continuous sleeve structure with the material composition claimed in various dependent claims.

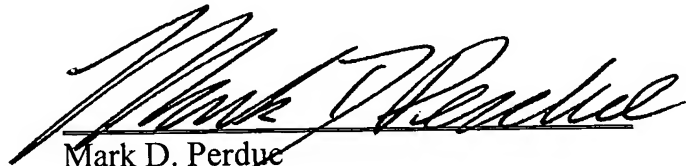
Accordingly, in view of the foregoing, Applicant respectfully submits that all claims are in condition for allowance and respectfully solicits the same.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue.

If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant believes no fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Perdue", is written over a horizontal line.

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